

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Applicants Mark C. Schmidt et al.

Application Serial No.: 10/611,846 Filing Date: July 1, 2003

Title: AUTOMATICALLY ACTIVATED LASER SCANNING 2D

BAR CODE SYMBOL READING SYSTEM

Ahshik Kim Examiner

Group Art Unit 2876

Attorney Docket No.: 108-194USAND0

Honorable Honorable Commissioner of

Patents and Trademarks Washington, D.C. 20231

TERMINAL DISCLAIMER (37 CFR 1.321(b))

SIR:

Your Petitioner, Metrologic Instruments, Inc., represents that it is the sole owner of the entire interest of the above-identified application.

Your Petitioner hereby disclaims the terminal period of any patent issuing on the abovereferenced application that would extend beyond the expiration of the full statutory term of U.S. Application No. 10/342,433, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent is the same as the legal title to U.S. Application No. 10/342,433, and that this agreement shall run with any patent so granted on the above-referenced application, and shall be binding upon the grantor, its successors, and assigns.

Your Petitioner does not disclaim any terminal part of any patent granted on the abovereferenced application prior to the expiration date of the full statutory term of said U.S. Application No. 10/342,433 in the event that such patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F. R. Section 1.321(c); has all claims canceled by a reexamination certificate; or is otherwise terminated prior to the expiration of its full statutory term, except for a separation of legal title as stated above.

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This Terminal Disclaimer is being signed under the provisions of 37 C.F.R. Section 1.321(b)(1)(iv). Enclosed in payment of the requisite fee of \$130.00 is Thomas J. Perkowski, Esq., P.C. Check No. 5509. The Commissioner is hereby authorized to charge any fee deficiencies to Deposit Account 16-1340.

Respectively submitted,

Dated: February 23, 2006

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I hereby certify that this correspondence is being deposited with the United States Postal Service on February 23, 2006, as First Class Mail, in a prepaid postage envelope addressed to:

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Thomas J. Perkowski, Esq. Dated: February 23, 2006